

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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PAUL EDWARD JOHNSON, a/k/a
EMMUIEL LOUIS JOHNSON, a/k/a
IMMUIEL PAUL JOHNSON,

Plaintiff,

v.

CIVIL NO. 01-160 MV/DJS

ARMEGGDON GOMEZ, LOUIS LOMAS, and
GONZILLI GEAZELLE, Policy Doctrine Official,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court *sua sponte* to review Plaintiffs' complaint pursuant to 28 U.S.C. §1915(e)(2). The Court has discretion to dismiss an *in forma pauperis* complaint *sua sponte* under 28 U.S.C. §1915(e)(2)(B) if the Court determines that the action is frivolous or malicious or that the action fails to state a claim upon which relief may be granted. The Court may also dismiss a complaint *sua sponte* for failure to state a claim upon which relief can be granted under Fed.R.Civ.P. 12(b)(6) if "it is patently obvious that the plaintiff could not prevail on the facts alleged, and allowing him to amend his complaint would be futile." Hall v. Bellmon, 935 F.2d 1106, 1109 (10th Cir. 1991). In reviewing a *pro se* plaintiff's complaint, the Court applies the same legal standards applicable to pleadings drafted by counsel, but is at the same time mindful that the complaint must be liberally construed. Northington v. Jackson, 973 F.2d 1518, 1520-21 (10th Cir.

1992).

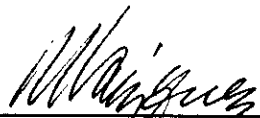
An *in forma pauperis* lawsuit also may be dismissed under § 1915(d) as legally frivolous if the claims are "based on an indisputably meritless legal theory." Neitzke v. Williams, 490 U.S. 319, 327 (1989); Northington v. Jackson, 973 F.2d 1518, 1520 (10th Cir.1992). The court may dismiss a claim as factually frivolous only if the facts are clearly baseless, which is to say that they are fanciful, fantastic, or delusional. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).

Plaintiffs' complaint is clearly delusional. It does not contain a complete sentence or even a comprehensible sentence. Plaintiff lapses into gibberish and inserts irrelevant words throughout the complaint. Further, he fails to identify a comprehensible legal theory or any basis for jurisdiction in Federal Court.

In addition, Plaintiff's *in forma pauperis* application is insufficient, as it does not list any assets or income or provide any information regarding Plaintiff's financial condition.

IT IS THEREFORE ORDERED that Plaintiffs' complaint is dismissed *sua sponte* as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B).

IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis* is denied.



MARTHA NAZQUEZ
UNITED STATES DISTRICT JUDGE